

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Swig, Inc.,

Case No. 3:13-mc-00088

Petitioner,

v.

ORDER

Temperance Distilling Company, Inc.,

Respondent.

Before me is the second motion of Temperance Distilling Company, Inc., to quash subpoenas to testify served by Swig, Inc., on Molly and Brian Pearson, who are former employees of Temperance. (Doc. No. 3). Temperance asserts I must quash the subpoenas pursuant to Rule 45(c)(3)(A) because the testimony Swig seeks would require the Pearsons to testify about the content of conversations the Pearsons had with Temperance's attorneys, and therefore would force the Pearsons to testify about matters protected by the attorney-client privilege. *See* Fed. R. Civ. P. 45(a)(3)(A)(iii) (issuing court must quash or modify a subpoena that requires disclosure of privileged material if no exception or waiver applies). I ordered the Pearsons to answer Swig's written deposition questions and then to submit notarized copies of their response to my chambers. (Doc. No. 7). The Pearsons timely complied with my order.

I have reviewed the Pearsons' responses and conclude those responses do not discuss any information which implicates the attorney-client or any other privilege. Therefore, I deny Temperance's motion to quash the subpoenas and direct the clerk's office to return the completed

deposition questions to the office of Jones & Solomon. Thereafter, Joseph Solomon, counsel for the Pearsons, shall serve copies of the completed deposition questionnaires on Swig, Inc.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge